THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
and
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No. 15426 of 2005

O R D E R: (Per the Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed seeking a writ of Certiorari to call for the records relating to the order passed in O.A.No. 7772 of 1999 dated 21.6.2004 on the file of the A.P. Administrative Tribunal, Hyderabad and to quash the same as illegal and arbitrary.

The respondent herein filed O.A. No. 7772 of 1999 before the Tribunal to declare that he is entitled to be promoted as Work Inspector Grade-II with effect from 16.5.1987 and consequently to direct the 1st respondent therein i.e. the 1st petitioner herein to consider his case for recruitment by transfer as Assistant Engineer. The Tribunal, having heard the learned counsel for the parties and perusing the material available on record held that the case of the applicant should be considered for promotion as Work Inspector Grade-II and Grade-I and accordingly directed that the applicant be given promotion as Assistant Engineer. Aggrieved by the said order, the Government filed this writ petition.

Heard the learned Government Pleader for Services-II appearing for the petitioners and the learned counsel for the respondent and perused the record.

A perusal of the order of the Tribunal goes to show that the Tribunal has directed the petitioners herein to promote the respondent herein as Assistant Engineer having held that if November 1996 is taken as the date of promotion of the applicant as Work

Inspector Grade-III, his case should have been considered for promotion as Assistant Engineer since he already obtained diploma in 1993. However, having regard to the facts and circumstances of the case, we are of the considered view that the Tribunal ought not to have given such mandatory direction to promote the respondent herein as Assistant Engineer, instead, it ought to have directed the respondents – petitioners herein to consider the case of the applicant – respondent herein in accordance with the Rules.

In view of the above, we modify the order of the Tribunal to the effect that the case of the respondent herein be considered in accordance with the Rules within a period of three months from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly.

T. MEENA KUMARI, J.

G. CHANDRAIAH, J.

Date: 7-6-2007.

MVB.